

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

First Service Networks, Inc.,

Plaintiff/Counterclaim
Defendant,

v.

First Service Maintenance Group, Inc.,

Defendant/
Counterclaimant.

Case No. CV11-1897-PHX LOA

**[PROPOSED] STIPULATED
PERMANENT INJUNCTION**

(Assigned to the Honorable Lawrence O.
Anderson)

Plaintiff First Service Networks, Inc. ("FSN") and Defendant First Service Maintenance Group, Inc. ("FSMG"), hereby stipulate and consent to the following:

IT IS STIPULATED, ORDERED, ADJUDGED, AND DECREED THAT
FSN shall have judgment against FSMG as follows:

1. This Court has subject matter jurisdiction over the Action and personal jurisdiction over FSMG. Venue is proper in this Court.

2. FSN is the owner of all rights, title, and interest in and to the trademarks asserted herein and set forth in Exhibit 1 ("FSN Marks").

1 3. Effective February 28, 2013, FSMG, its employees, directors, officers,
2 attorneys, representatives, agents, heirs, executors, administrators, predecessors,
3 successors, insurers, partners, principals, owners, stockholders, representatives, insurers,
4 experts, affiliates, joint venturers, franchisors and/or franchisees, assigns, and
5 predecessors and successors of any and all of the preceding persons or entities are hereby
6 PERMANENTLY ENJOINED from, directly and/or indirectly, the following:

- 7 a. Manufacturing, licensing, creating, importing, exporting, producing,
8 distributing, selling, offering for sale, displaying, promoting,
9 marketing, advertising, and/or using in any manner, any logo, trade
10 name, corporate name, trademark, service mark, and/or domain name
11 that incorporates the terms "First Service", including but not limited to
12 the use of "First Service Maintenance Group", or any other logo, trade
13 name, corporate name, trademark, service mark, and/or domain name
14 that causes or is likely to cause consumer confusion and deception such
15 that the consuming public believes that FSMG's business, services,
16 and/or products are associated with, approved by, and/or sponsored by
17 FSN;
18
19 b. Using or filing any application, now or in the future, for the registration
20 of trademarks, service marks, and/or any other intellectual property that
21 is confusingly similar to any of the FSN Marks;
22 c. Engaging in any act which is likely to falsely cause members of the
23 trade and/or purchasing public to believe any goods or services of
24 FSMG are in any way endorsed by, approved by, and/or associated
25 with FSN; and
26 d. Assisting, aiding, or abetting any person or entity engaging in or
27 performing any act prohibited under this Paragraph.
28


1 4. FSN shall have the right to seek all appropriate legal and equitable
2 remedies, and such other relief deemed proper, in the event of a violation of failure by
3 FSMG to comply with the terms of this Stipulated Permanent Injunction. The prevailing
4 party in any such action arising under this Paragraph shall be entitled to its attorney's
5 fees and costs and related expenses incurred with enforcing this Stipulated Permanent
6 Injunction.

7 5. This Court shall retain jurisdiction over FSN and FSMG for purposes of
8 enforcing any provision of this Stipulated Permanent Injunction.

9 IT IS SO STIPULATED.

10 Dated: February 13, 2013

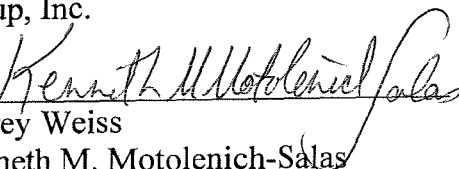
11
12 **WOODCOCK WASHBURN LLP**
13 Attorneys for Plaintiff First Service
14 Networks, Inc.

15 By: 
16 Nancy Rubner Frandsen
17 Kevin M. Bovard
18 Cira Centre – 12th Floor
19 2929 Arch Street
20 Philadelphia, PA 19104
21 nfrandsen@woodcock.com
22 kbovard@woodcock.com

23 Matthew David Kleifield
24 Robert Charles Ashley
25 2929 N. Central Ave., Ste. 1700
26 Phoenix, AZ 85012
27 mkleifield@lbbslaw.com
28 rashley@lbbslaw.com

WEISS & MOY, P.C


Attorneys for First Service Maintenance
Group, Inc.

By: 
Jeffrey Weiss
Kenneth M. Motolenich-Salas
4204 N. Brown Avenue
Scottsdale, Arizona 85251
jweiss@weissiplaw.com
kmotolenich@weissiplaw.com

IT IS SO ORDERED this ____ day of _____, 2013.

Exhibit 1

Exhibit 1**First Service Networks, Inc.'s Trademarks**

Trademark	Registration Number	Goods/Services
FIRST SERVICE NETWORKS	2,737,643	(Int. Cl. 35) Technical facilities management services.
FIRST SERVICE NETWORKS & DESIGN  First Service Networks	2,942,344	(Int. Cl. 35) Technical facilities management services.